

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 27838 of 2007(L)

PETITIONER:

M/S. WOODLAND ESTATES LIMITED,
A BODY CORPORATE, CONSTITUTED AND FUNCTIONING,
UNDER THE COMPANIES ACT, 1956 HAVING ITS
REGISTERED OFFICE AT PLANTATION HOUSE, PATTAM
SIVARAMAKRISHNA AIYAR ROAD, PLAMOODU JUNCTION,
PATTAM PALACE, TRIVANDRUM, REP. BY DIRECTOR.

BY ADV. SRI.R.S.KALKURA

RESPONDENTS:

SECRETARY,
CORPORATION OF TRIVANDRUM, TRIVANDRUM.

BY ADV.SRI.N.NANDAKUMARA MENON, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

.....
W.P.(C)No.27838 OF 2007
.....

DATED THIS THE 19TH SEPTEMBER, 2007

J U D G M E N T

The petitioner-Company seems to have a genuine grievance. The petitioner's application for getting permit has not been considered at all by the Secretary of the Corporation. They have submitted Ext.P6 representation before the Chairman, Town Planning Standing Committee, complaining of the inertia on the part of the Secretary. The petitioner therefore prays for a writ of mandamus directing the respondent to issue permit to them for construction within a time-frame.

2. Heard Sri.R.S.Kalkura, counsel for the petitioner and Sri.N.Nandakumara Menon, Standing Counsel who has taken notice on behalf of the respondent.

3. Mr.Nandakumara Menon would draw my attention to Section 392(1) of the Kerala Municipality Act and submit that Ext.P6 submitted by the petitioner to the Chairman, Town Planning Standing Committee cannot be construed as a request submitted to the Council. Requests to the Council are to be addressed to the Mayor who will place it before the Council.

4. The submission of Mr.Nandakumara Menon is certainly

attractive. But on a careful reading of Ext.P6, it will be seen that though the same is addressed to the the Chairman, Town Planning Standing Committee, the provision of law which is invoked by the petitioner is Section 392 of the Kerala Municipality Act itself. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

The Town Planning Standing Committee Chairman of the respondent-Corporation will immediately hand over Ext.P6 to the Mayor of the Corporation. The Mayor will construe Ext.P6 as a request of the petitioner addressed to the Council and ensure that Ext.P6 is placed before the Council so that the Council will pass orders on Ext.P6 at the earliest and at any rate within six weeks of the petitioner placing a copy of this judgment. The Standing Counsel Mr.Nandakumara Menon is directed to apprise the Town Planning Standing Committee Chairman and the Mayor of the Corporation of this judgment immediately.

(PIUS C.KURIAKOSE, JUDGE)

tgl

WP(C)N0.27838/07

WP(C)N0.27838/07